

REMARKS

Claims 6-9 are pending. By this Amendment, the title is amended; the abstract is amended; claims 1-6 are canceled without prejudice or disclaimer; and claim 7 is amended. Reconsideration in view of the above amendments and following remarks is respectfully requested.

The abstract was objected to. The abstract has been amended to obviate the objection. Reconsideration and withdrawal of the objection to the abstract are respectfully requested.

The title was objected to. The title has been amended to obviate the objection. Reconsideration and withdrawal of the objection to the title are respectfully requested.

Claims 7-9 were objected to. Claim 7 has been amended to obviate the objection. Reconsideration and withdrawal of the objection to claims 7-9 are respectfully requested.

Claims 7-9 were rejected under 35 U.S.C. § 103(a) over Higuchi et al. (U.S. Patent 6,829,011) in view of Ikari et al. (U.S. Patent 5,933,186). The rejection is respectfully traversed.

The instant application was filed March 1, 2002. Higuchi et al. was filed July 18, 2000 and issued December 7, 2004. Accordingly, Higuchi et al. qualify as prior art only under 35 U.S.C. § 102(e).

Higuchi et al. are assigned to Olympus Optical Co., Ltd. The instant application is assigned to Olympus Optical Co., Ltd. at Reel/Frame 013070/0161.

The undersigned certifies that at the time the claimed invention was made it was assigned to, or subject to an obligation of assignment to, Olympus Optical Co., Ltd. Accordingly, under 35 U.S.C. § 103(c) Higuchi et al. can not be used against the claimed invention in a rejection under 35 U.S.C. § 103(a). See MPEP § 706.02(I).

Reconsideration and withdrawal of the rejection of claims 7-9 are respectfully requested.

In view of the above amendments and remarks, it is respectfully submitted that all of the claims are allowable and that the entire application is in condition for allowance.

KOYAMA et al. -- Appln. No. 10/086,196

Attorney Docket No.: 041050-0290732

Should the Examiner believe that anything further is desirable to place the application in better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,

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